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DATE: December 17, 2001
TO: Nancy Johnson, Examiner
FIRM: United States Patent and Trademark Office
CITY, STATE: Washington, DC
FAX TELEPHONE NUMBER: (703) 308-6916
CONFIRMING NUMBER: _____
FROM: David E. Heisey
DIRECT DIAL: 619.699.2494 DIRECT FAX: 619.645.5397
TRANSMITTING: 7 PAGES (including cover page)
ADDITIONAL COMMENTS OR INSTRUCTIONS: _____

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ATTORNEY: David E. Heisey
99415 30504-00001
(USER NO./CLIENT-MATTER NO.)

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TIME: _____
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FAX TELEPHONE NO: (703) 308-6916 **DEC 17 2001 PM 5:52**
CONFIRMING NUMBER: _____
RECIPIENT'S NAME: Nancy Johnson, Examiner
PAGES TRANSMITTED: 7

LUCE FORWARDATTORNEYS AT LAW • FOUNDED 1873
LUCE, FORWARD, HAMILTON & SCRIPPS LLPDAVID E. HEISEY, ASSOCIATE
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PETITIONS OFFICE
30504-1/P01

December 17, 2001

Via Facsimile & Express Mail
Assistant Commissioner for Patents
Attn: Nancy Johnson, Examiner
2900 Crystal Drive
Arlington, VA 22202-3513

I hereby certify that this document and the enclosures referred to therein are being sent Via Facsimile, on December 17, 2001, to facsimile No. (703) 3086916 which is the facsimile No. of Examiner Nancy Johnson with the United States Patent and Trademark Office and the original of this document and the enclosures referred to therein are being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service, under 37 C.F.R. § 1.10 on December 17, 2001, and addressed to Assistant Commissioner for Patents, Attn: Nancy Johnson, Patent Examiner, 2900 Crystal Drive, Arlington, VA 22202-3513


Saul M. SolanoEL839588227US
"Express Mail" Mailing Label NoTitle: WEARABLE CONTINUOUS RENAL REPLACEMENT THERAPY DEVICE
Applicant: Victor GURA
Appl. No.: 29/150,402
Atty. No.: 30504-1/P01
Filed: November 16, 2001

Dear Ms. Johnson:

Pursuant to our telephone conversation on Friday, December 14, 2001, I am sending you a Petition to Convert application No. 29/150,402 into a utility application. Enclosed please find the following document:

- Petition under 37 CFR 1.181 and 1.182; and
- A check in the amount of \$130.00 to cover the petition fee.

If there are any questions regarding this matter, please contact me at (619) 699-2494.

Sincerely,

David E. Heisey
Attorney for Applicant
Registration No. 42,651
For
Luce, Forward, Hamilton & Scripps LLPDBW/SMS
Enclosure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**FAX RECEIVED****DEC 17 2001****PETITIONS OFFICE**

In re application of: GURA

Application No.: 29/150,402

Filed: November 16, 2001

For: WEARABLE CONTINUOUS RENAL REPLACEMENT THERAPY
DEVICE

Art Unit No.: 2900

Examiner: UNKNOWN

Atty Docket No.: 30504-1/P01

Assistant Commissioner for Patents
Washington, DC 20231**Petition under 37 CFR 1.181 and 1.182**

In response to the Notice to File Missing Parts dated December 5, 2001, Applicant hereby petitions the Office to change the above-identified patent application from a design application to a utility application.

Statement of Facts

On November 16, 2001, Applicant filed a utility application with the USPTO, including twenty (20) pages of specification, one (1) page of abstract and nine (9) drawing sheets. The application was accompanied by a five (5) page application transmittal, which was incorrectly entitled "NEW DESIGN APPLICATION TRANSMITTAL". The title should have read "NEW UTILITY APPLICATION TRANSMITTAL". Because of the incorrect title, the application was entered as a design application instead of a utility application.

Aside from the incorrect title, the application and transmittal clearly indicate the intent to file a utility application. For example, the fee for a utility application was designated on the transmittal, including an additional fee for thirteen (13) extra claims. By contrast, a design application has only one (1) claim. In addition, the specification contains twenty (20) pages of written disclosure describing a utilitarian invention. It would be highly unusual for a design application to contain such a written disclosure. For these reasons, it is clear that Applicant intended to file and pay for a utility patent application rather than a design patent application.

Point(s) to be Reviewed

Conversion of the above-captioned application from a design application to a utility application.

Action Requested

Applicant hereby petitions the Office to change the above-identified patent application from a design application to a utility application.

Petition Fee

This petition is accompanied by a fee of \$130.00, as provided by 37 CFR 1.17(h), which includes petitions based on decisions not specifically provided for (37 CFR 1.182).

Conclusion

If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 50-0683 for any additional fees required under 37 CFR 1.16 or 1.17, particularly extension of time fees.

Date: 12/17/2001

Respectfully submitted,

By David E. Heisey
David E. Heisey
Attorney for Applicant
Registration No. 42,651

LUCE, FORWARD, HAMILTON & SCRIPPS LLP
600 West Broadway, Suite 2600
San Diego, California 92101
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LUCE FORWARD, HAMILTON & SCRIPPS LLP Attorneys at Law

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Commissioner of Patents

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12/17/2001	DAVID HEISEY	PETITION FEE	01 41 01312-00000	
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12/17/2001	000118612			
TOTAL				130.00

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

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San Diego, CA 92101

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FROM: (PLEASE PRINT) David E. Heisley, Esq. LUCE FORWARD HAMILTON E SCRIPPS LLP 600 W BROADWAY STE 2600 SAN DIEGO CA 92101-3311 30504-1/001 WEARABLE CONTINUOUS... Natural Quality CARE		TO: PLEASE PRINT ASSISTANT Commissioner for Patents Attn: Nancy Johnson, Examiner 2900 Crystal Drive Arlington, VA 22202-3513	
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Assistant Commissioner for Patents
 Attn: Nancy Johnson
 2900 Crystal Drive
 Arlington, VA 22202-3513

Mailing Date
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 File No:
 Pat/Ser. No.:
 Title:

December 17, 2001

David E. Heisley

30504-1/001

29/150,402

WEARABLE CONTINUOUS RENAL
REPLACEMENT THERAPY DEVICE

Please confirm receipt of the document(s) checked below by applying your date stamp (and Serial No.):

- _____ Patent application, including _____ pages of Specifications and Claims and _____ sheets of Drawings, and New Application Transmittal
- _____ Declaration
- _____ Power of Attorney
- _____ Small Entity Statement (Bus/Individual)
- _____ Response to Office Action
- X _____ Check No. _____ for \$ 130.00
- _____ Petition under 37 CFR 1.181 & 1.182

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